



**Staci L. Pies**

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December 4, 2002

**Ex Parte – via Electronic Filing**

Ms. Marlene Dortch  
Secretary  
Federal Communications Commission  
Room TW-A325  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

Re: CC Dockets No. 99-200 and 96-98

Dear Ms. Dortch:

On November 15, 2002, Greg Rogers and I of Level 3 Communications, LLC (Level 3), met with Cheryl Callahan, Assistant Chief, and Sanford Williams and Jennifer Gorney of the Wireline Competition Bureau's Telecommunications Access Policy Division. In addition, I spoke with Cheryl Callahan on November 20, 2002 and again on December 4, 2002. The purpose of the meeting and the phone calls was to discuss the North American Numbering Plan Administration's ("NANPA") denials of Level 3's requests for NXX codes in Iowa. As explained at the meeting and in the attached documents, Level 3 is a telecommunications carrier seeking to provide service in Iowa. Specifically, the services Level 3 initially intends to offer are direct inward dial services that allow for local connectivity to Level 3's Internet Service Provider ("ISP") customers. To be able to offer these services in Iowa, Level 3 must obtain numbering resources. Although Level 3 has met the requirements established by the FCC to obtain numbering resources, NANPA misinterpreted the relevant FCC decisions and denied Level 3's requests for NXX codes on May 29, 2002. Level 3 appealed NANPA's decision to the Iowa Utilities Board (IUB) on July 17, 2002.<sup>1</sup>

As explained at the meeting, Level 3 has attempted to work cooperatively with the IUB on solutions that would provide Level 3 with necessary numbers while conserving numbering resources to the greatest extent possible. This effort, however, has taken substantial time and to date has not resulted in an operative solution. During the appeal, the IUB has permitted parties to intervene and has encouraged intervenors to raise issues beyond the scope of Level 3's appeal. Because of the multiple lengthy

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<sup>1</sup> See Attachment A – Appeal of the NANPA's Denial of Numbering Resources.

delays and the ever expanding scope of the proceeding, the Company is prejudiced and customers are being denied competitive choices.<sup>2</sup>

Although Level 3 sought to establish reasonable boundaries for the proceeding and respectfully requested that the Board do so promptly,<sup>3</sup> on November 26, 2002 the Board denied Level's motion asking the Board to reconsider granting intervention or to clarify the scope of the proceeding.<sup>4</sup> By allowing the scope of the proceeding to include a vast array of tangentially related issues that are more appropriately handled in a generic proceeding, the Board has increased the barrier to entry that was erected to Level 3's rightful entry to the Iowa telecommunications market by NANPA's mistaken denial of Level 3's request for number resources.

In accordance with FCC Rules, a copy of this letter is being filed in each of the above captioned dockets.

Sincerely,

/s/ submitted electronically

Staci L. Pies  
Director, Federal Regulatory Affairs

cc: William Maher  
Diane Griffin  
Cheryl Callahan  
Sanford Williams  
Jennifer Gorney

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<sup>2</sup> See Attachment B – Third Order Revising Procedural Schedule.

<sup>3</sup> See Attachment C – Motion to Reconsider Granting of Interventions or, Alternatively, Motion For Clarification.

<sup>4</sup> See Attachment D – Order Denying Motion to Reconsider Interventions and Granting Consumer Advocate's Motion.